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TAGS: [PREL](#) [PTER](#) [UNSC](#) [SY](#) [LE](#)  
SUBJECT: LEBANON: BELLEMARE WILL EMULATE BRAMMERTZ'S  
APPROACH AT UNIIIC

Classified By: Ambassador Alejandro D. Wolff, per 1.4 (b) and (d).

11. (C) Summary. During a meeting with Amb Wolff on December 5, incoming UNIIIC head and Prosecutor-designate of the Special Tribunal for Lebanon Daniel Bellemare recognized the sense of frustration among Council members about not receiving much information on the state of UNIIIC's investigation. He pledged to be as forthcoming as possible with us in private without jeopardizing his inquiry. But he emphasized that he would have to follow the same overall approach as his predecessor, Serge Brammertz, to preserve the "integrity" of his investigation. Any names of suspects UNIIIC identifies, Bellemare clarified, would only be presented in indictments delivered to the tribunal. He said his first priority upon his return to Beirut would be to ensure the continued effectiveness of UNIIIC by retaining current staff and filling new positions. Afterwards, he would concentrate on examining the evidence collected thus far to determine if he has a case to prosecute. Bellemare recognized that the UNIIIC probe is in its "homestretch," but wondered whether its mandate might be extended beyond June 15, 2008. End Summary.

Bellemare Will Name Names Through Indictments  
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12. (C) After congratulating Bellemare on his appointment and assuring him that the U.S. would do all it could to support his efforts, Amb Wolff noted a sense of frustration in the Council that member states do not have a good sense of where the UNIIIC investigation is going. Part of this frustration, he observed, stems from expectations set by the degree of information provided in UNIIIC's earliest reports. But the Council's views are also informed by the expectations in the founding documents of the Commission, including UNSCR 1595, which requested that UNIIIC report the "conclusions" of its investigation to the Council, and UNSCR 1636, which explicitly envisioned the naming of suspects by the Commission without prejudice to their legal rights. Recognizing that Bellemare should not do anything to compromise his investigation, Amb Wolff urged him to be as forthcoming with Council members -- in private if need be -- as possible. Amb Wolff also urged him to stay in close touch with Embassy Beirut.

13. (C) Bellemare said he understood Council frustration about the lack of information on UNIIIC's work and pledged to provide as much information as possible in private without jeopardizing the investigation. But he stressed that he would follow the same overall approach as his predecessor, Serge Brammertz. If he finds that he has a case to prosecute, the names of suspects will become known in the indictments he files with the tribunal. To name suspects otherwise, he argued, would "jeopardize the rights of the accused." Bellemare emphasized that his priority is to lead

an "impartial, neutral" investigation as a "technician" not a "politician." In that regard, he added that he does not intend to seek a higher media profile than Brammertz. "My job is to prosecute a case, not to be a rock star," Bellemare declared, helpfully dispelling any such misperceptions USUN may have had. Bellemare also advised that he might create a UNIIIC website to provide as much transparency into its work as possible.

#### Priority Now is Staff Retention

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14. (SBU) Reporting that his transition to Commissioner was going well so far, Bellemare said his first priority would be to staff the investigative division of UNIIIC. He had been "very impressed" with the ability and level of commitment of UNIIIC staff, and wanted to ensure most of them remained with the Commission and the tribunal. Although he could not offer job contracts with the tribunal yet, Bellemare said upon his return to Beirut, he planned to be as forthcoming with current employees about their futures as possible. In the short term, he planned to focus on improving living conditions by expanding the secure zone in which UNIIIC staff can move without permission from security staff -- possibly to include Cyprus -- as well as trying to speed up the UN staffing cycle, and asking countries to loan experts directly to the Commission. Another priority Bellemare mentioned is to develop rules of evidence for UNIIIC and, at least preliminarily, for the tribunal. If a witness changes his story or disappears, for example, would his original statement still be admissible in court? What are the rules for "connectivity" between the Hariri case and the other attacks?

Initial Impressions Good

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15. (C) Although he had only been on the job for one week, Bellemare said his initial impressions were that the investigation was proceeding well. Brammertz was more optimistic than he had ever been, Bellemare noted, and UNIIIC's DNA and telecom analysis appear to offer promising leads. That said, Bellemare underscored that after addressing staffing issues, his second priority would be to examine all the evidence to see if he has a case to prosecute. He would "not stop until every stone is unturned" in the search for admissible evidence. But in the end, if he realizes that the investigation is "hitting a wall," and that all avenues are pursued, Bellemare assured Amb Wolff he would report accordingly. His job is not to implicate someone for the Hariri assassination no matter what, but to go where the facts and evidence lead him.

#### Transition Timeline Unclear

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16. (C) Asked about timing of the transition from UNIIIC to the tribunal, Bellemare recognized that the UNIIIC investigation is in its "home stretch," but said he did not know if the Commission's mandate would be extended when it expires on June 15, 2008. He wondered whether it would make sense to have the two entities operate simultaneously, given the Commission's ability to draw on funding from assessed contributions and its power to compel cooperation from third countries (Syria). Underscoring U.S. interest in setting up the tribunal at the earliest possible time, Amb Wolff expressed hope that Bellemare would not have to "start again" in the investigation as Brammertz seemed to do when he took over from Mehlis, and thereby delay the transition by many months. Acknowledging that Brammertz was forced to review the evidence collected by Mehlis and pursue a different approach in the investigation, Bellemare emphasized that he was entirely comfortable with Brammertz's approach and could pick up where he left off.

Comment: Keep Bellemare on a Tight Leash

17. (C) As a career prosecutor, Bellemare seems to have firm views on how international criminal investigations should be handled, and is not likely to alter that view because of pressure from individual Council members. We should, however, hold him to his pledge to be as forthcoming on the investigation in private as possible. In order to ensure the tribunal is set up as soon as possible and indictments are not put off indefinitely, USUN also recommends that we decide now and communicate to Bellemare that we will not/not support an extension of UNIIIC's mandate beyond June 15, 2008.  
Khalilzad